



# *This Old Column*

***April, 2000***

## **But I Never Got Notice!**

"But I never got notice!" is a complaint often made to the IHPC staff. Sometimes people get notice of work to be done to a neighbor's property and sometimes they do not. To understand the difference, it is important to remember that notices are only given if there is to be a hearing. In 1998, 231 of 368 IHPC cases could be given staff approvals and, therefore, did not generate notices. The rules for deciding what requires a hearing and what does not are in the *IHPC Procedures and Policies Manual*, available from the IHPC office for \$5.00. If a hearing is involved, it is the applicant's responsibility to send out proper notice to nearby property owners and neighborhood organizations. The IHPC staff is responsible for placing a legal ad in the newspaper. People often assume something is wrong when they do not get notice. Actually, an error in following procedures is seldom the reason. If you do not get notice, one of the following is probably the reason:

- the work does not need approval because it is considered routine maintenance in the *IHPC Procedures and Policies Manual* or is noted as exempt from needing approval in the district's Historic Area Preservation Plan,
- the work qualifies for approval of staff without a hearing,
- your property is not within 100 feet of the subject property,
- the Assessor's Office lists someone else as the owner of record for the property in which you reside,
- the Assessor's Office lists a different address for you.

In rare circumstances, the applicant may have failed to send out notices or have made an error in sending out notices.

The purpose of the notice is to inform neighborhood organizations and nearby property owners that a hearing is to occur regarding a certain property. For a Certificates of Appropriateness, the notice must be postmarked at least fifteen

days prior to the hearing and must go to the owner of record (not necessarily the occupant) of each property within 100 feet of the subject property. For rezoning, land use variances and special exceptions, the notice period is slightly longer and the area of notice is wider. The IHPC staff is available to assist in guiding applicants through the process.

The notice will not provide all information about a project. Interested persons can call the applicant or the IHPC office with questions or they can visit the IHPC office and study all the documentation submitted in support of the proposal. If you desire to go on record in support or in opposition to a proposal, you may submit a letter or appear at the hearing.

If you think that there is a notification problem with any case, the best thing to do is call the IHPC at 327-4406 to find out the status of the case.